

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Ralph Holder

v.

Civil No. 08-cv-00197-JL

Town of Newton, et al.

O R D E R

The Preliminary Pretrial Conference was held in chambers on November 19, 2008.

Defendant Charron is **dismissed** from the case by agreement of the parties.

Plaintiff's counsel represented that Count 2 involves two issues: (1) the lawfulness of the arrest; and (2) the handcuffing of the plaintiff.

The Discovery Plan (document no. 17) is **approved** as submitted.

The plaintiff will file an amended complaint clearly specifying which defendants are the subjects of which of the various counts, including the subparagraphs in ¶71.

Based on the discussions between the court and counsel at the conference, the following affirmative defenses are **stricken**

without prejudice to being reinstated on request if warranted by the evidence: the Rockingham County defendants' ¶94 (PLRA damages) and ¶98 (PLRA exhaustion).

**SO ORDERED.**

  
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Joseph N. Laplante  
United States District Judge

Dated: November 19, 2008

cc: Sven D. Wiberg, Esq.  
Brian J.S. Cullen, Esq.  
Charles P. Bauer, Esq.  
Jeanne P. Herrick, Esq.  
Corey M. Belobrow, Esq.